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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 94 OF 2025
WITH
JUDGE'S ORDER NO. 135 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr. Dhimantbhai Mahendrabhai Gandhi
And Nitaben Dimantbai Gandhi

...Proposed Adopters

Ms.Aarti Kulkarni for the Petitioner.

Mr.O.Hareendran, Scrutiny Officer, ICSW present.

Mr. D.S. Gurav, Chamber Registrar is present.

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 5th DECEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the male minor Om @ Om Dhimantbhai Gandhi ("the said male minor") born on 14th August 2024.

2. The male minor Om was born on 14th August 2024 and the biological mother surrendered the said minor before the Child Welfare Committee (CWC), Mumbai Suburban-I on 20th August 2024

and the child's safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 20th August 2024 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The admission order of the CWC is on record at page No. 21 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Mankhurd, Dist. Mumbai declared the said male minor "Legally Free for Adoption" on 15th October 2024. The Free for adoption Certificate is on record at page Nos. 23-24 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Surendranagar, Gujarat aged about 51 and 42 years respectively. They have been married for the past 14 years (24th February 2011) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 38 to the Petition.

6. Affidavit by the Chief Functionary of the Specialized

Adoption Agency (Petitioner) in support of the adoption of the said male minor is on record at page Nos. 105-110 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 21st March 2025 is on record at page No. 20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt said male minor.

8. The Medical report dated 14th December 2024 of the prospective adoptive parents is on record at page Nos. 31-37 to the Petition and it states that they do not have any major disease and are fit at present. Their HIV and HBsAg Test reports certify the case as Non Reactive.

9. The prospective adoptive father is working as a Supervisor with Mauti Textiles, Libodi, Gujarat for the last 5 years and his monthly salary is Rs. 15,000/-. His Employment/Salary certificate and Income Tax returns are on record at page Nos. 49-55 to the Petition.

10. The prospective adoptive mother is Self-employed (Tuition and Tailoring work at home). Her income for the Assessment

Year 2024-25 is Rs. 3,05,160/-. Her Income Affidavit and Income Tax Returns are on record at page Nos. 55A-55I to the Petition.

11. The copies of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos. 39-42 & 56-65 to the Petition.

12. The Childcare Arrangement Undertaking of the prospective adoptive mother's sister is on record at page Nos. 104A-104C to the Petition.

13. The home study report Part I: Self-Assessment Reports by the Prospective Adoptive Parents is on record at page Nos. 66-72 to the Petition.

14. The Home Study Report Part II Assessment Report dated 10th September 2024 of the Specialized Adoption Agency- Surendranagar, Children Home for Boys, Surendranagar has found the prospective adoptive parents suitable for adopting a child. The said report is on record at page Nos. 73-79 to the Petition.

15. The child security undertaking dated 5th April 2025 given

by the prospective adoptive father's brother residing at Surendranagar, Gujarat to look after the said male minor in case of any mishap to the prospective adoptive parents is on record at page Nos. 87-90 to the Petition.

16. The Medical Examination Report of the said male minor Om dated 26th February 2025 is on record and it states "Health status of the child: Normal. Overall observation of the child: His development is a dynamic process and may show variation with time. At present his overall mental and physical development is within normal limits". The prospective adoptive parents have countersigned the said report, which is on record at page Nos. 94-100 to the Petition.

17. The HIV report of the said male minor dated 22nd August 2024 certifies the case as Negative. This report is on record at page No.103 to the Petition. The Photograph of the said male minor is on record at page No. 104 to the Petition.

18. The pre-adoption foster care undertaking dated 5th April 2025 is on record at page Nos. 46-47 to the Petition.

19. The Declaration of consent and undertaking by the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of the said male minor Om. The said Declaration is on record at page Nos. 43-45 to the Petition.

20. As regards the change of name, the prospective adoptive parents desire that the said male minor 'Om' be renamed as "Om Dhimantbhai Gandhi".

21. The Undertaking dated 20th March 2025 given by Specialized Adoption Agency-Surendranagar, Children Home for Boys, Surendranagar for furnishing post adoption follow-up reports is on record at page No.113 to the Petition.

22. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30th September 2025. However, the Petitioner institution has applied for renewal and in the interregnum has filed this adoption petition under the provisions of Regulation 25 (4) & (5) of the Adoption Regulations 2022.

23. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 27th November, 2025 which is taken on record and marked 'X' for identification.

24. Having considered the material on record as well as the Representation of the Scrutiny Officer marked 'X' for identification, I am of the view that it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

25. It is relevant to note here that in the case of ***Nisha Pradeep Pandya @ Nisha Amit Gor and Anr. Vs. Union of India and Ors.***¹ concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, a Division Bench of this Court passed an interim order dated 10th January, 2023. The relevant portion of the said order of the Division Bench reads as follows :

“8. In the meantime, there will be an ad-interim order only until the next date in terms of prayer clauses (d), (e) and (f) of the petition which reads as follows:

(d) Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to stay the effect, implementation and purport of the letter dated 30th September,

¹ WP(L) No.32065 of 2022

2022 issued by Respondent No.2;

e) *Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to direct the Respondents not to transfer pending adoption matters before the District Magistrates for adjudication.*

(f) *Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to direct the Hon'ble Courts to continue with the adjudication of the adoption matters that are pending on their record and file.*

9. *Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided."*

26. Hence, it is clear that this Court can consider and dispose of the present Petition.

27. In these circumstances, the Petition is allowed in terms of prayer Clauses (a) to (d) of the Petition, which read thus:-

“(a) *That the Prospective Adoptive Parents be given the said child in Adoption and be declared as parents having all parental legal rights, Privileges and responsibilities over the said minor.*

(b) *That the Prospective Adoptive Parents may be granted leave to remove the said minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.*

(c) *That the concerned Municipal Authority/Birth Certificate Issuing Authority may be directed to issue Birth*

Certificate in the name of the said minor Om Dhimantbhai Gandhi, born on 14th August 2024 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parent be allowed to Change the name of the minor from Om to “Om Dhimantbhai Gandhi”, born on 14th August 2024.”

28. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.2,00,000/- (Rupees Two Lakhs Only) in the name of the Adopted Child. They undertake not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parents agree to handover the investment receipts to the Adopted Child on his becoming a major. These undertakings are accepted as undertakings to this Court.

29. The Judge's Order is also accepted and signed separately.

30. Indian Adoption Petition is accordingly disposed of. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

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